

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MERIDIAN FINANCIAL ADVISORS LTD,)
d/b/a THE MERIDIAN GROUP, as Receiver)
for OCMC, INC.,)
Plaintiff,)
vs.) 1:07-cv-995-LJM-TAB
JOSEPH A. PENCE, et al.,)
Defendants.)

**ORDER ON PLAINTIFF'S MOTION TO STRIKE
DEFENDANT PENCE'S DISCOVERY REQUESTS**

Plaintiff moves to strike Defendant Pence's March 30, 2011, discovery requests generally seeking information about Plaintiff's attorney's fees. [Docket No. 522.] Defendant opposes Plaintiff's motion in part because Plaintiff has not yet responded to his requests in any way. Defendant also questions Plaintiff's meet-and-confer attempt, which Defendant characterizes as simply a demand that he withdraw his discovery altogether.

Defendant's position is correct and is consistent with the Court's previous requirement that Defendant respond to Plaintiff's discovery with objections. [Docket No. 530 at 5 n.3.] Plaintiff describes the discovery requests at issue with terms such as "outrageous" and "inappropriate." [Docket No. 522 at 2.] Even if these descriptions ultimately prove to be accurate, firing off a motion to strike in response to a discovery request is not appropriate. *See Meharg v. I-Flow Corp.*, No. 1:08-cv-000184-DFH-TAB, 2009 WL 1867696, at *1 n.2 (S.D. Ind. June 26, 2009) ("In addition to the fact that the Court is vexed by the number of overlapping and bellicose discovery motions filed . . . in this case, 'motions to strike are disfavored . . . because they potentially serve only to delay.'").

Therefore, within 28 days Plaintiff shall respond to Defendant's discovery by producing documents or making objections, or perhaps by moving for a protective order under Federal Rule of Civil Procedure 26(c). Regardless of Plaintiff's course of action, any future discovery-related motion must be proceeded by a good faith attempt to resolve the dispute informally as required by Local Rule 37.1. Plaintiff's motion to strike Defendant's discovery requests is denied.

[Docket No. 522.]

Dated: 05/09/2011

TA Baker

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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